

SUMMARY MEETING MINUTES (Subject to ZBA review and approval)
DARIEN ZONING BOARD OF APPEALS (ZBA)
APRIL 25, 2012

SPECIAL MEETING

Darien Town Hall - Room 213 - 7:15 to 7:41 PM

ZBA members present: Gary Greene, Chuck Deluca, Vic Capellupo, Jeff Williams, John Ashburne, Ruth Anne Ramsey, and Al Tibbetts

Staff Present: Code Compliance Officer Robert Woodside and Town Counsel John Louizos and Wayne Fox

Upon a motion by Gary Greene, seconded by Chuck Deluca, the ZBA voted 6-0 to go into a Special Meeting Executive Session in order to discuss pending litigation with Town Counsel John Louizos. The remand instructions from the Superior Court regarding the Simonson's appeal of the ZBA decision in Calendar No. 50 -2010 were reviewed. Upon a motion by Chuck Deluca, seconded by Jeff Williams, the ZBA voted 7-0 to go out of Executive Session.

REGULAR MEETING

Darien Town Hall - Room 206 - 7:47 to 9:46 PM

ZBA members present: Gary Greene, Chuck Deluca, Vic Capellupo, Al Tibbetts, Jeff Williams, and John Ashburne

Staff Present: Code Compliance Officer Robert Woodside and Recorder Judy Fazekas

OPENING

ZBA Chair Gary Greene opened the meeting at 7:47 PM. He requested cooperation and explained several procedural steps that would be used to conduct the meeting following the posted Agenda.

PUBLIC HEARINGS

The following hearings were held with various plans and submitted application materials reviewed, possible correspondence and public comment considered, questions asked, and comments made by the ZBA members and Staff:

CALENDAR NO. 19-2012 - the application of Gleason & Associates LLC on behalf of Michael Bret Pastor and Devon Field Pastor filed on March 14, 2012 for variances of Section 406 and a determination under Section 813 of the Darien Zoning Regulations, to allow first floor alterations and the construction of second story and two story additions; Section 406: 1.2 in lieu of 15.0 feet minimum required south side yard setback and 24.1 in lieu of 30.0 feet minimum required total of two side yards setback; and a determination under Section 813 of the Darien Zoning Regulations that the proposed construction is exempt from Coastal Site Plan Review. The property is situated on the west side of Five Mile Road approximately 800 feet north of the intersection of Davis Lane and Five Mile River Road and is shown on Assessor's Map #66 as Lot #41, being 90 Five Mile River Road and located in an R-1/2 (residential) Zone.

Attorney Wilder Gleason, Architect Steven Mueller and Engineer Doug DiVesta answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Craig Kolkman questioned the drainage aspect of the application. The Public Hearing was then closed.

CALENDAR NO. 15-2012 - the application of Consulting and Design on behalf of Drake Petroleum dba Exxon filed on March 14, 2012 for variances of Section 926 of the Darien Zoning Regulations, to allow the installation of two wall signs; Section 926: 18 in lieu of 10" maximum (E, O, and N) letters height, 29 in lieu of 10" maximum (XX) figure height, 33.92 in lieu of 5.83 maximum allowable total square footage, 2 in lieu of 1 maximum allowable wall signs, and internal sign illumination where that is not permitted. The property is situated on the southeast side of Boston Post Road at the corner formed by the intersection of Thorndal Circle and Boston Post Road and is shown on Assessor's Map #63 as Lots #11, 12, & 13, being 1358 Boston Post Road and located in an SB (commercial) Zone.

Ron Fortune answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

CALENDAR NO. 17-2012 - the application of Maslan Associates PC on behalf of Corinne Collins filed on March 14, 2012 for variances of Section 406 of the Darien Zoning Regulations, to allow the reconstruction and enlargement of a one story garage with an attached shed and breezeway, and the construction of a one story house addition with a porch and landing; Section 406: 5.7 in lieu of 40.0 feet minimum required north rear yard setback and 26.6 in lieu of 40.0 feet minimum required east rear yard setback. The property is an interior lot accessed from a common driveway situated on the east side of Nearwater Lane approximately 600 feet south of the intersection of Nickerson lane and Nearwater Lane and is shown on Assessor's Map #57 as Lot #11, being 114 Nearwater Lane and located in an R-1 (residential) Zone.

Attorney Bob Maslan and Dwight Collins answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

CALENDAR NO. 18-2012 - the application of Jeffrey W. McDougal and William W. Seymour & Assoc., P.C. on behalf of Pamela Thompson filed on March 14, 2012 for variances of Section 406 of the Darien Zoning Regulations, to allow the construction of a second story addition with a chimney, deck and propane equipment, and the construction of a detached two car garage with storage above; Section 406: 24.2 in lieu of 30.0 feet minimum required Fairfield Avenue front yard setback, and 9.1 in lieu of 30.0 feet minimum required Elm Street front yard setback and 29.1 in lieu of 55.0 feet minimum required front yard setback as measured from the centerline of Elm Street for the house addition, chimney, deck and propane equipment; 21.8 in lieu of 30.0 feet minimum required Elm Street front yard setback, 41.8 in lieu of 55.0 feet minimum required front yard setback as measured from the centerline of Elm Street, and two in lieu of one maximum story for the detached accessory garage. The property is situated on the west side of Fairfield Avenue at the southwest corner formed by the intersection of Elm Street and Fairfield Avenue and is shown on Assessor's Map #21 as Lot #40, being 35 Fairfield Avenue and located in an R-1/3 (residential) Zone.

Surveyor Mark Lebow and Architect Lou Garcia answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

CALENDAR NO. 20-2012 - the application of John Lang filed on March 14, 2012 for a variance of Section 406 of the Darien Zoning Regulations, to allow the installation of a generator; Section 406: 20.85 in lieu of 20.0% maximum allowable coverage. The property is situated on the east side of Abbey Road at the northeast corner formed by the intersection of Intervale Road and Abbey Road and is shown on Assessor's Map #25 as Lot #76, being 1 Abbey Road and located in an R-1/3 (residential) Zone.

John Lang answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

DELIBERATIONS AND DECISIONS

The following decisions were made after the ZBA members reviewed the public hearing comments, the submitted plans and other application materials, and carefully considered

possible stipulations to ensure the best possible project fit among the neighboring properties:

CALENDAR NO 19-2012 – The application of Gleason & Associates LLC on behalf of Michael Bret Pastor and Devon Field Pastor, 90 Five Mile River Road.

Upon a motion by Jeff Williams, seconded by John Ashburne, the ZBA voted 5-0 to DENY IN PART AND GRANT IN PART WITH STIPULATIONS the above delineated, requested variances and interpretation.

CALENDAR NO. 15 -2012 – The application of Consulting and Design on behalf of Drake Petroleum dba Exxon, 1358 Boston Post Road. Upon a motion by Chuck Deluca, seconded by Gary Greene, the ZBA voted 5-0 to DENY the above delineated, requested variance.

CALENDAR NO. 17-2012 – The application of of Maslan Associates PC on behalf of Corinne Collins, 114 Nearwater Lane. Upon a motion by Al Tibbetts, seconded by Chuck Deluca, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variance.

CALENDAR NO. 18-2012 – The application of Jeffrey W. McDougal and William W. Seymour & Assoc., P.C. on behalf of Pamela Thompson, 35 Fairfield Avenue. Upon a motion by Al Tibbetts, seconded by Jeff Williams, the ZBA voted 5-0 to GRANT the above delineated, requested variance.

CALENDAR NO. 20-2012 – The application of John Lang, 1 Abbey Road. Upon a motion by Chuck Deluca, seconded by Gary Greene, the ZBA voted 5-0 to GRANT the above delineated, requested variance.

OTHER BUSINESS

The following additional decisions were made after the ZBA members reviewed the submitted documents, correspondence and/or project plans:

Requested twenty four month extensions, received April 10, 2012, to obtain all required permits and begin on-site construction for ZBA Calendar No. 5-2012, 23 Chestnut Street, and for ZBA Calendar No. 6-2012, 27 Chestnut Street. The Public Hearings of these matters were March 21, 2012. Initial ZBA approvals would expire on September 30, 2012. Upon a motion by Al Tibbetts, seconded by Jeff Williams, the ZBA voted 5-0 to GRANT A SIX MONTH EXTENSION to both ZBA Applications.

Approval of Minutes of meeting on March 21, 2012. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Al Tibbetts, Chuck Deluca, Jeff Williams, and John Ashburne. Upon a motion by Jeff Williams, seconded by Chuck Deluca, the ZBA voted 5-

0 to APPROVE the subject minutes. Vic Capellupo, Gary Greene, Al Tibbetts, Chuck Deluca, Jeff Williams, and John Ashburne voted in favor of the motion.

ADJOURNMENT

Upon a motion by Al Tibbetts, seconded by Jeff Williams, and a ZBA vote of 5-0, the meeting was adjourned at 9:46 PM.

These Meeting Minutes,
Respectfully submitted June 13, 2012,
by Robert Woodside,
Code Compliance Officer
ZBA Staff

These Minutes were reviewed by the attending ZBA members, modified as necessary, and upon a motion by Al Tibbetts, seconded by Jeff Williams, the ZBA voted 4-0 to approve the minutes at the ZBA meeting on June 20, 2012. Vic Capellupo, Gary Greene, Al Tibbetts and Jeff Williams voted in favor of the motion. Chuck Deluca and John Ashburne previously indicated their approval.